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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,299	05/21/2001	Tadashi Takano	SIMTEK6241	8159

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EXAMINER

LE, DANG D

ART UNIT PAPER NUMBER

2834

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/787,299

Applicant(s)

TAKANO, TADASHI

Examiner

Dang D Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 9/23/02, PROSECUTION IS HEREBY REOPENED. The new grounds of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Applicant's arguments filed 9/23/02 have been fully considered but they are not persuasive. The applicant's argument is on the ground that the present invention includes a stator core with tooth elements while Grundl et al. show an air core. It is noted that claim 1 does not clearly recite that the stator core of the claimed invention comprises teeth while claim 1 is an open-ended claim. As a result, the rejection shown in paper no. 9 is still deemed proper and repeated in this Office Action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Grundl et al.

Regarding claim 1, Grundl et al. show a rotary electric apparatus (Figure 1) comprising a first element (50) having a permanent magnet (54), and a second element (30) with magnet wires (38) wound around cores (grooves 49, air cores), said first and said second elements being supported for relative rotation, said magnet wires (38) comprising plural enameled wires (39, column 16, line 4) twisted together (column 5, lines 1-20) to form a stranded cable (38, column 16, line 3) that is subsequently wound around said cores.

Regarding claim 4, it is noted that Grundl et al. also show outlet wires (Figure 2, ends of wires 39) constituted as stranded wires associated with the magnet wires.

Regarding claim 5, it is noted that Grundl et al. also show an insulating coating encircling the enameled wires and the strand thereof for further retaining the stranded wires in position after the winding (column 5, lines 49-55).

Regarding claim 6, it is noted that Grundl et al. also show the insulating coating comprising a plastic material (resin, column 5, line 52).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grundl et al. in view of Tolmie, Jr.

Regarding claim 2, Grundl et al. show all of the limitations of the claimed invention including the first and said second elements placed within a casing (10, 11), the first element comprising a rotor (50) supported for rotation with said casing (10, 11), said second element comprising a stator (30) fixed to said casing. Grundl et al. do not show an encoder for acquiring control signals provided on the outside of said casing.

Tolmie, Jr. shows an encoder (36, Figure 2) for acquiring control signals provided on the outside of said casing (17) for the purpose of controlling the motor operation.

Since Grundl et al. and Tolmie, Jr. are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide an encoder for acquiring control signals on the outside of said casing as taught by Tolmie, Jr. for the purpose discussed above.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grundl et al. in view of Kim.

Regarding claim 3, Grundl et al. show all of the limitations of the claimed invention including the first and said second elements placed within a casing (10, 11), the first element comprising a rotor (50) supported for rotation with said casing (10, 11),

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said second element comprising a stator (30) fixed to said casing. Grundl et al. do not show an encoder for acquiring control signals is provided on the inside of said casing.

Kim shows an encoder (100) for acquiring control signals is provided on the inside of said casing for the purpose of controlling the motor operation.

Since Grundl et al. and Kim are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide an encoder for acquiring control signals on the inside of said casing as taught by Kim for the purpose discussed above.

8. Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrus in view of Takahashi et al.

Regarding claim 1, Andrus shows a rotary electric apparatus (Figure 7) comprising a first element (rotor not shown) and a second element (1) with magnet wires (3, 4) wound around cores, said first and said second elements being supported for relative rotation (column 1, line 4), said magnet wires (4) comprising plural enameled wires (6) twisted together to form a stranded cable that is subsequently wound around said cores (Figure 7).

Andrus does not show the first element having a permanent magnet.

For the purpose of making a permanent magnet rotor, Takahashi et al. show the first element (10, Figure 6) having a permanent magnet (11).

Since Andrus and Takahashi et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the rotor as a permanent magnet rotor as taught by Takahashi et al. for the purpose discussed above.

Regarding claim 4, it is noted that Andrus also shows outlet wires (4) constituted as stranded wires associated with the magnet wires.

Regarding claim 5, it is noted that Andrus also shows an insulating coating encircling the enameled wires and the strand thereof for further retaining the stranded wires in position after the winding (8).

Regarding claim 6, it is noted that Andrus also shows the insulating coating comprising a plastic material (column 2, line 38).

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrus in view of Takahashi et al. as applied to claim 1 above, and further in view of Tolmie, Jr.

Regarding claim 2, the motor of Andrus modified by Takahashi et al. shows all of the limitations of the claimed invention including the first and said second elements placed within a casing (7), the first element comprising a rotor (10) supported for rotation with said casing (7), said second element comprising a stator (8) fixed to said casing except for an encoder for acquiring control signals provided on the outside of said casing.

Tolmie, Jr. shows an encoder (36, Figure 2) for acquiring control signals provided on the outside of said casing (17) for the purpose of controlling the motor operation.

Since Andrus, Takahashi et al. and Tolmie, Jr. are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide an encoder for acquiring control signals on the outside of said casing as taught by Tolmie, Jr. for the purpose discussed above.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrus in view of Takahashi et al. as applied to claim 1 above, and further in view of Kim.

Regarding claim 3, the motor of Andrus modified by Takahashi et al. shows all of the limitations of the claimed invention including the first and said second elements placed within a casing (7), the first element comprising a rotor (10) supported for rotation with said casing (7), said second element comprising a stator (8) fixed to said casing except for an encoder for acquiring control signals is provided on the inside of said casing.

Kim shows an encoder (100) for acquiring control signals is provided on the inside of said casing for the purpose of controlling the motor operation.

Since Andrus, Takahashi et al. and Kim are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

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It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide an encoder for acquiring control signals on the inside of said casing as taught by Kim for the purpose discussed above.

Information on How to Contact USPTO

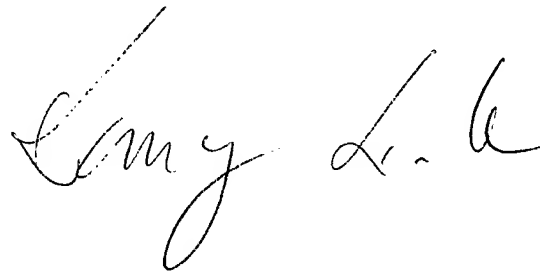
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL
November 6, 2002

DL

A handwritten signature in cursive script, appearing to read "Dang D Le".